

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSHUA J. MAEHLER,

Plaintiff,

V.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C23-5384 RSM

**ORDER DENYING APPLICATION
TO PROCEED IN FORMA
PAUPERIS**

Plaintiff Joshua J. Maehler applies to proceed *in forma pauperis* (“IFP”) for an action seeking judicial review of the administration denying Plaintiff’s application for Social Security benefits. Dkt. 1. For the reasons discussed below, the Court DENIES Plaintiff’s IFP application.

The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigence. See 28 U.S.C. § 1915(a). “To qualify for *in forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the claims he or she seeks to pursue are not frivolous.” *Ogunsalu v. Nair*, 117 F. App’x 522, 523 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To meet the first prong of this test, a litigant must show that he or she “cannot because of his poverty pay or give security for the costs and still be able to provide himself and dependents with the necessities of life.” *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal alterations omitted).

111

1 Plaintiff has not shown that he is unable to pay the full filing fee to proceed with this
2 lawsuit. Plaintiff reports that he and his spouse have received a total of \$84,000 in the past
3 twelve months from various sources. Dkt. 1 at 1. The purpose of IFP statutes is to provide
4 indigent litigants access to court, not to subsidize litigants who have ample resources to cover the
5 \$402.00 filing fee. Plaintiff has failed to demonstrate that he “cannot because of his poverty pay
6 or give security for the costs and still be able to provide himself . . . with the necessities of life.”

7 *See Adkins*, 335 U.S. at 339 (internal alterations omitted).

8 Accordingly, the Court DENIES Plaintiff’s IFP application. Plaintiff has 30 days from
9 the date of this order to pay the full \$402.00 filing fee. If the Court does not receive the filing
10 fee within 30 days, the Court will dismiss this action without prejudice.

11 DATED this 1st day of May, 2023.

12
13 
14

15 Ricardo S. Martinez
16 United States District Judge
17
18
19
20
21
22
23